

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

NO. 5:07-M-1247

UNITED STATES OF AMERICA,	)	
	)	
	)	
vs.	)	<b><u>ORDER</u></b>
	)	
WALTER ERNEST WRIGHT,	)	
	)	
Defendant.	)	
_____	)	

This Cause comes before the Court upon Defendant's motion to suppress blood alcohol level [DE-4]. The Government has responded to this motion [DE-6] and the matter is now ripe for adjudication. For the following reasons, Defendant's motion to suppress is DENIED.

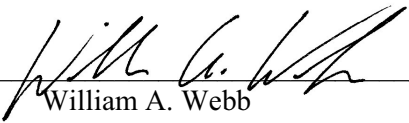
On March 7, 2007, Defendant was charged with driving while impaired, leaving a parked vehicle on a highway, and operating a motor vehicle while transporting an open container of alcoholic beverage after he consumed alcohol. Each of these charges are violations of North Carolina state law that were assimilated pursuant to 18 U.S.C. § 13 ("ACA") because they took place on Fort Bragg Military Reservation. A chemical analysis test was performed on Defendant on the date he was charged and the result was a blood alcohol level of .21. Defendant argues that the results of this test should be suppressed because the Government did not comply with comply with "the methods approved by the Department of Health and Services."

Counsel has failed to comply with Local Criminal Rule 47.1(b), EDNC. No memorandum in support has been submitted with the instant motion. Indeed, even on the face of his bare bones motion defense counsel has not cited the regulations upon which he is relying. Rather, it merely states that "the test was not conducted in accordance with the regulations." In describing the factual basis of his motion, defense counsel simply states that the "test was invalid because the officer did not observe the driver for the purpose of

complying with the observation requirements for a breath analysis.” Although an affidavit is attached to the motion, this affidavit contains little more than defense counsel’s contention that “the facts alleged in the Motion to Suppress are based on information provided in the discovery material.”

For the aforementioned reasons, Defendant’s motion to suppress blood alcohol level **[DE-4]** is DENIED

DONE AND ORDERED in Chambers at Raleigh, North Carolina this 1<sup>st</sup> day of August, 2007.

  
\_\_\_\_\_  
William A. Webb  
U.S. Magistrate Judge